

Exhibit B

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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ZACHARY ADAMSON  
83 Delham Street  
Buffalo, New York 14209,

Plaintiff,

- vs -

CITY OF BUFFALO  
1100 City Hall  
Buffalo, New York 14202  
CITY OF BUFFALO POLICE DEPARTMENT  
74 Franklin Street  
Buffalo, New York 14202,  
JOSEPH COOK,  
74 Franklin Street  
Buffalo, New York 14202,  
MICHAEL KEANE,  
74 Franklin Street  
Buffalo, New York 14202, and  
SHARON ACKER,  
74 Franklin Street  
Buffalo, New York 14202,

Defendants.

**SUMMONS**

**IMMEDIATELY TURN THESE  
PAPERS OVER TO YOUR  
INSURANCE REPRESENTATIVE.  
YOUR FAILURE TO DO THIS  
MAY SUBJECT YOU TO PERSONAL  
FINANCIAL RESPONSIBILITY IN  
THIS MATTER.**

Index No.: 2011-2568  
Date Filed: 6/27/11

FILED  
06/27/2011/ 15:51:52  
ERIE COUNTY CLERK  
RCPT # 11073537  
I 2011002568

JUL 11 2011

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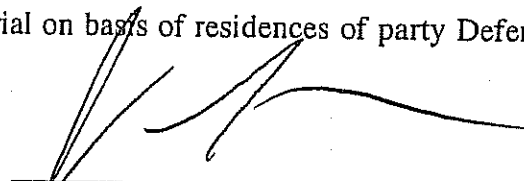
**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to Answer the Complaint in this action, and to serve a copy of your Answer, or, if the Summons is not served with a Complaint, to serve a Notice of Appearance, on the Plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service, or within 30 days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or Answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

**COMPLAINT ENDORSEMENT:** That Plaintiff's Complaint against you is in the amount of see **WHEREFORE** clauses of Plaintiff's Complaint, together with the costs of this action based on a cause of action for negligence and others.

Erie County is designated as the place of trial on basis of residences of party Defendants whom reside in Erie County, New York.

DATED: June 24, 2011.  
Buffalo, New York



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Joseph C. Todoro, Esq.  
SPADAFORA & VERRASTRO, LLP  
Attorneys for Plaintiff  
2 Symphony Circle  
Buffalo, New York 14201  
716-854-1111

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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ZACHARY ADAMSON,

Plaintiff,

- VS -

COMPLAINT

CITY OF BUFFALO,  
CITY OF BUFFALO POLICE DEPARTMENT,  
JOSEPH COOK,  
MICHAEL KEANE, and  
SHARON ACKER,

Defendants.

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**FILED**  
ACTIONS & PROCEEDINGS

JUN 27 2011

ERIE COUNTY  
CLERK'S OFFICE

The Plaintiff, by his Attorneys, SPADAFORA & VERRASTRO, LLP, for his Complaint against the Defendants, above-named, alleges as follows:

1. This action falls within one or more of the exceptions set forth in CPLR §1602.
2. At all times hereinafter mentioned Plaintiff was a resident of the County of Erie and State of New York.
3. Presently and at all times hereinafter mentioned, Defendant, JOSEPH COOK, was and still is a Police Officer for Defendant CITY OF BUFFALO and Defendant CITY OF BUFFALO POLICE DEPARTMENT.
4. Presently and at all times hereinafter mentioned, Defendant, MICHAEL KEANE, was and still is a Police Officer for Defendant CITY OF BUFFALO and Defendant CITY OF BUFFALO POLICE DEPARTMENT.

5. Presently and at all times hereinafter mentioned, Defendant, SHARON ACKER, was and still is a Police Officer for Defendant CITY OF BUFFALO and Defendant CITY OF BUFFALO POLICE DEPARTMENT.

6. Presently and at all times hereinafter mentioned, Defendant CITY OF BUFFALO was a municipal corporation, incorporated under the Laws of the State of New York.

7. Presently and at all times hereinafter mentioned, Defendant CITY OF BUFFALO POLICE DEPARTMENT was the Police Department for Defendant CITY OF BUFFALO.

8. That a Notice of Claim in writing was duly served upon the Defendants within the time prescribed by Section 50-e of the General Municipal Law of the State of New York, sworn to by or on behalf of the Plaintiff, which set forth the name and post office address of the Plaintiff, and of her Attorneys; the nature of such claim, the time when, the place where and the manner in which the claim arose, and the items of damage or injuries claimed to have been sustained as far as then practicable, and that more than thirty (30) days have elapsed since the service of such Notice, and adjustment or payment thereof has been neglected or refused by the Defendants, and this action was commenced on the claim within one (1) year and ninety (90) days after the happening of the event upon which said claim was based on injuries/damages sustained by Plaintiff.

9. Presently and at all times hereinafter mentioned, Police Officers, JOSEPH COOK, MICHAEL KEANE and SHARON ACKER, were acting within the scope of their employment and their acts were done in furtherance of the interests of the CITY OF BUFFALO, its agents, servants and/or employees, and the CITY OF BUFFALO POLICE DEPARTMENT, its agents, servants and/or employees.

10. That on or about April 1, 2010, Police Officers JOSEPH COOK, MICHAEL KEANE and/or SHARON ACKER did stop Plaintiff, ZACHARY ADAMSON, as he was lawfully on the premises known as 585 Elmwood Avenue located in the City of Buffalo, County of Erie and State of New York, without a warrant, reasonable cause or reasonable suspicion that Plaintiff was engaged in unlawful activity and/or had committed a crime, and did falsely, unlawfully, wantonly, maliciously, recklessly and/or wrongfully, with force and without Plaintiff's consent and against his will, arrested Plaintiff by forcibly placing him in custody and depriving him of his liberty.

11. That said arrest was made without warrant or other legal process and was unlawful in that Plaintiff, ZACHARY ADAMSON, had not committed any crime or offense under the Penal Laws of the State of New York, nor was there reasonable cause and/or reasonable suspicion to believe Plaintiff had committed any crime or offense.

12. By reason of the above, Plaintiff has suffered great emotional trauma and harm, mental injury, physical injury, economical damage, has incurred legal expenses, has been deprived of his physical liberty, and has been deprived of his rights guaranteed under the United States Constitution, the New York Constitution, and the laws of the State of New York, and claims compensatory and/or punitive damages in a sum of money exceeding the jurisdictional limits of all lower courts.

**AS AND FOR A SECOND CAUSE OF ACTION:**

13. That the Plaintiff, ZACHARY ADAMSON, repeats, re-alleges and re-iterates each and every allegation set forth in paragraphs numbered "1" through "12" herein, with the same force and effect as if stated at length herein.

14. That on or about April 1, 2010, as the Plaintiff was lawfully on the premises known as 585 Elmwood Avenue located in the City of Buffalo, County of Erie and State of New York, Defendants, their agents, servants and/or employees, with deliberation and malice, and without probable cause, detained and falsely arrested Plaintiff for Obstructing Governmental Administration 2<sup>nd</sup> degree and two counts of Disorderly Conduct.

15. Thereafter, Defendants, their agents, servants and/or employees, falsely and maliciously and without probable cause and provocation, charged Plaintiff with the offenses of Obstructing Governmental Administration 2<sup>nd</sup> degree and two counts of Disorderly Conduct.

16. Thereafter, following a motion, hearing and/or trial before the City Court of Buffalo, the aforementioned charges, Obstructing Governmental Administration 2<sup>nd</sup> degree and two counts of Disorderly Conduct, were dismissed and/or Plaintiff was acquitted of same.

17. By reason of the above, Plaintiff has suffered great emotional trauma and harm and mental injury, physical injury, economical damage, has incurred legal expenses, has been deprived of his physical liberty and has been deprived of his rights guaranteed under the United States Constitution, the New York Constitution, and the laws of the State of New York, and claims compensatory and/or punitive damages in a sum of money exceeding the jurisdictional limits of all lower courts.

**AS AND FOR A THIRD CAUSE OF ACTION:**

18. That the Plaintiff, ZACHARY ADAMSON, repeats, re-alleges and re-iterates each and every allegation set forth in paragraphs numbered "1" through "17" herein, with the same force and effect as if stated at length herein.

19. That on or about April 1, 2010, Defendants, JOSEPH COOK, MICHAEL KEANE and/or SHARON ACKER, without any just cause or provocation, negligently, recklessly, maliciously and/or wantonly, with the use of physical force grabbed, jerked, pulled and twisted Plaintiff's person, forced his arms behind his back, slammed him face first against the outside of a vehicle, handcuffed him, forced him into the backseat of a vehicle with his foot and/or leg sticking out and slammed the vehicle's door on Plaintiff's leg and/or foot, all causing Plaintiff serious personal injuries as hereinafter alleged.

20. That by reason of the aforementioned, Plaintiff sustained severe bodily injuries with accompanying pain, including but not limited to multiple lacerations and contusions about his hands, wrists, body and foot as well as injury to his neurological system, neck, back and shoulders, was rendered sick, sore, lame and disabled and was caused to suffer and still suffers great physical pain and mental anguish.

21. By reason of the above, Plaintiff suffered and continues to suffer from said physical injuries, which are permanent in nature, has incurred medical expenses, will incur further medical expenses, has incurred lost wages and impairment of his earning capacity, has suffered great emotional trauma and harm and mental injury, and has been deprived of his rights guaranteed under the United States Constitution, the New York Constitution, and the laws of the State of New York, and claims compensatory and/or punitive damages in a sum of money exceeding the jurisdictional limits of all lower courts.



**AS AND FOR A FOURTH CAUSE OF ACTION:**

22. That the Plaintiff, ZACHARY ADAMSON, repeats, re-alleges and re-iterates each and every allegation set forth in paragraphs numbered "1" through "21" herein, with the same force and effect as if stated at length herein.

23. Defendants, CITY OF BUFFALO and CITY OF BUFFALO POLICE DEPARTMENT, their agents, servants and/or employees, were careless, reckless and/or negligent in failing to afford Police Officers JOSEPH COOK, MICHAEL KEANE and SHARON ACKER the proper and special training necessary for the duties they could reasonably be expected to perform in the course of their employment.

24. By reason of the above, Plaintiff suffered and continues to suffer from said physical injuries, which are permanent in nature, has suffered great emotional trauma and harm and mental injury, has incurred legal expenses, has been deprived of his physical liberty, has incurred lost wages and impairment of his earning capacity, has incurred medical expenses, will incur future medical expenses, and has been deprived of his rights guaranteed under the United States Constitution, the New York Constitution, and the laws of the State of New York, all to his damage in a sum of money exceeding the jurisdictional limits of all lower courts.

**AS AND FOR A FIFTH CAUSE OF ACTION:**

25. That the Plaintiff, ZACHARY ADAMSON, repeats, re-alleges and re-iterates each and every allegation set forth in paragraphs numbered "1" through "24" herein, with the same force and effect as if stated at length herein.

26. Plaintiff, ZACHARY ADAMSON, complaining of Defendants, alleges that Defendants violated certain rights guaranteed under the United States Constitution and New York Constitution by, wrongfully and without probable cause, arresting Plaintiff.

27. Plaintiff, ZACHARY ADAMSON, complaining of Defendants, alleges that Defendants violated certain rights guaranteed under the United States Constitution and New York Constitution by maliciously prosecuting him.

28. Plaintiff, ZACHARY ADAMSON, complaining of Defendants, alleges that Defendants violated certain rights guaranteed under the United States Constitution and New York Constitution by using an unreasonable and excessive amount of force in arresting Plaintiff.

29. Defendants are liable because of their policy and custom of encouraging, tolerating, permitting and/or ratifying a pattern of illegal arrests, imprisonment, malicious prosecution, assault and/or use of excessive force which was known to them or which should have been known to them.

30. Defendants, individually and/or collectively, encouraged, tolerated, permitted and ratified a pattern of illegal arrests, imprisonment, malicious prosecution, assault and/or use of excessive force which was known to them or which should have been known to them.

31. This action is brought pursuant to 42 U.S.C. Sections 1983, and the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

32. Plaintiff, ZACHARY ADAMSON is and was at all times relevant herein, a citizen of the United States and a resident of Buffalo, New York.

33. At all times herein mentioned, Police Officers JOSEPH COOK, MICHAEL KEANE and SHARON ACKER, were acting under color of law, to wit: under the color of the statutes, ordinances, regulations, policies, customs and usages of the State of New York and the City of Buffalo.

34. The actions alleged above deprived Plaintiff of the following rights, without limitation thereto:

a) The right of Plaintiff not to be deprived of life, liberty or property without due process of law, and the right to the equal protection of the laws, all secured to him under the Fourth, Fifth and Fourteenth Amendments of the United States Constitution and Article I, section 6, of the New York Constitution.

b) The right of Plaintiff to be free from unreasonable search and/or seizure and/or the use of unreasonable force in making an arrest.

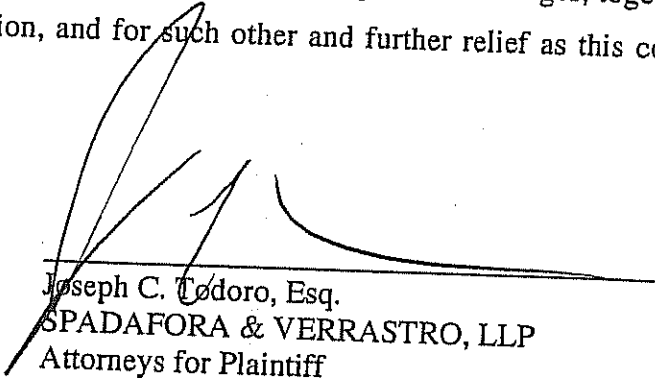
35. Defendants, individually and/or collectively, subjected Plaintiff to such deprivations by either negligent, reckless, malicious or wanton disregard of Plaintiff's rights.

36. By reason of the above, Plaintiff suffered and continues to suffer from said physical injuries, which are permanent in nature, has suffered great emotional trauma and harm and mental injury, has incurred legal expenses, has been deprived of his physical liberty, has incurred lost wages and impairment of his earning capacity, has incurred medical expenses, will incur future medical expenses, and has been deprived of his rights guaranteed under the United States Constitution, the New York Constitution, and the laws of the State of New York, and claims compensatory and/or punitive damages in a sum of money exceeding the jurisdictional limits of all lower courts.

**WHEREFORE**, Plaintiff demands Judgment against Defendants, CITY OF BUFFALO and/or CITY OF BUFFALO POLICE DEPARTMENT and/or Police Officers JOSEPH COOK, MICHAEL KEANE and/or SHARON ACKER, individually and/or collectively, as described in the causes of action herein, together with the costs and disbursements of this action.

**WHEREFORE**, Plaintiff demands Judgment against the Defendants, CITY OF BUFFALO and/or CITY OF BUFFALO POLICE DEPARTMENT and/or Police Officers JOSEPH COOK, MICHAEL KEANE and/or SHARON ACKER, individually and/or collectively, for any damages allowed by statute and/or caselaw, including exemplary and/or punitive damages, together with the costs and disbursements of this action, and for such other and further relief as this court may deem just and proper.

DATED: June 24, 2011.  
Buffalo, New York



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